

## **BHUTAN 2013 HUMAN RIGHTS REPORT**

### **EXECUTIVE SUMMARY**

Bhutan is a democratic, constitutional monarchy whose king, Jigme Khesar Namgyel Wangchuck, is the head of state, with executive power vested in the cabinet, headed by Prime Minister Tshering Tobgay. The country began a gradual transition from an absolute to a democratic constitutional monarchy in 1998, culminating in its first general election for the National Assembly in 2008. In July the country held its second general elections, in which the former opposition People's Democratic Party gained a majority of the seats in the National Assembly, resulting in the country's first democratic transfer of power to the opposition. International election observers reported the elections generally were free and fair. Authorities maintained effective control over the security forces. Security forces did not commit human rights abuses.

Principal human rights problems included the regulation of religious institutions, limitations on activities the government viewed as undermining national identity and stability, and continued government delays in implementing a process to identify and repatriate refugees in Nepal with legitimate Bhutanese citizenship claims.

Other human rights problems included continued incarceration of political prisoners, restrictions on freedom of assembly and association, social stigma against persons with disabilities, laws prohibiting consensual same-sex sexual activity, and human trafficking.

There were no reports of impunity for government security forces.

#### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

##### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

##### **b. Disappearance**

There were no reports of politically motivated disappearances, abductions, or kidnappings.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits such practices, and there were no reports that government officials employed them.

### **Prison and Detention Center Conditions**

Prison and detention center conditions generally met international standards.

Physical Conditions: The government reported 1,104 prisoners incarcerated as of December. According to police, although there were no separate prisons designated for women and children, authorities held women separately at detention centers and children at rehabilitation or juvenile centers. Police stated that prisoners had access to potable water and ad hoc informal education programs and were able to elect their prison block representatives. During prison visits in 2012, the National Assembly Human Rights Committee (NAHRC) observed cramped prison cells and a lack of adequate toilets, recreational facilities, proper ventilation, lighting, electric fans, blankets, and mattresses. The NAHRC recommended improving infrastructure and facilities; building separate prisons for men, women, and juveniles; reducing overcrowding; establishing informal education centers; and setting up health clinics.

Administration: There was no available information regarding recordkeeping on prisoners. The penal code permits alternative sentencing for crimes other than felonies, including fines in lieu of imprisonment, community service, and conditional release. Authorities generally allowed prisoners to observe religious practices.

Officials allowed visitors reasonable access to prisoners and detainees. According to the International Committee of the Red Cross (ICRC), during the year the government allowed 23 families from the refugee camps in Nepal access to their relatives in Chamgang Central Jail near Thimphu, an increase from 20 families in 2012. Access remained difficult due to the successful resettlement programs that moved refugee families from Nepal to third countries. One NGO stated the government treated visitors fairly, assisting with transportation to and from Thimphu and the jail and providing them special accommodation.

Prisoners may file complaints through a prisoners' committee.

**Independent Monitoring:** Under an agreement that expired in October, the government continued to permit the ICRC to make prison visits to persons detained for crimes against the security of the state, but the ICRC did not request prison visits. The government did not grant other international human rights groups prison access.

**Improvements:** In response to the NAHRC's 2012 report, the Royal Bhutan Police (RBP) began an "open-air prison" program that selects qualified prisoners to participate in rehabilitation and supervised, paid work programs at selected sites including a farm and a historic monastery under renovation. The government reported that 237 prisoners – more than 20 percent of the total prison population – took part in the open-air program.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

The RBP is responsible for internal security. The Royal Bhutan Army (RBA) is responsible for defending against external threats but also has responsibility for some internal security functions, including counterinsurgency operations, guarding forests, and providing security for prominent persons. The RBP reports to the Ministry of Home and Cultural Affairs, and the king is the supreme commander in chief of the RBA.

Civilian authorities maintained effective control over the army and police, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving security forces during the year. The army and police have procedures to conduct internal investigations of alleged personnel misconduct. Official courts of inquiry adjudicate the allegations. The king or a senior official makes the final determination on the outcome of a case.

By law the Police Service Board, made up of senior police personnel and a Ministry of Home and Cultural Affairs representative, investigates cases of abuse. Police officers can face criminal prosecution for human rights violations. The RBP has institutional reviews, human rights training, and accountability procedures for

its personnel. The Civil and Criminal Procedure Code (CCPC) also provides an avenue to check on any abuse of power in criminal investigations by an investigating officer of the RBP.

There were no reports of societal violence.

## **Arrest Procedures and Treatment of Detainees**

Under the law police may only arrest a person with a court-issued warrant or probable cause, and police generally respected the law. Police may perform “stop and frisk” searches only with a reasonable suspicion that a crime has been committed. Authorities must issue an immediate statement of charges and engage in reasonable efforts to inform the family of the accused. The law requires authorities to bring an arrested person before a court within 24 hours, exclusive of travel time from the place of arrest. The law provides for prompt access to a lawyer and government provision of an attorney for indigent clients. Bail is available depending on the severity of charges and the suspect’s criminal record, flight risk, and potential threat to the public. Remanded suspects can be held in police custody for 10 days pending investigation, which the court can extend to 49 days, and then again to 108 days in cases involving “heinous” crimes, should the investigating officer show adequate grounds. The law expressly prohibits pretrial detention beyond 108 days. Detainees may pursue a writ of habeas corpus to obtain a court-ordered release.

Amnesty: The king granted amnesty to 35 prisoners during the year.

### **e. Denial of Fair Public Trial**

The government generally respected the constitutional provision for an independent judiciary. The Judiciary Services Act establishes the formal separation of the judiciary from the executive and sets professional standards for judges and other judicial service personnel. In practice the judiciary generally enforced the right to a fair trial. The National Judicial Commission (NJC) oversees the judiciary and is comprised of the chief justice, the senior associate justice of the Supreme Court, the chairperson of the National Assembly’s Legislative Committee, and the attorney general.

The Supreme Court oversees the interpretation and application of the constitution and serves as the highest appellate authority. The NJC nominates, and the king

confirms, judges to the High Court and 20 district court justices. The king may remove, suspend, or censure judges only at the request of the NJC.

## Trial Procedures

The law stipulates that defendants must receive fair and speedy trials, and the government generally respected this right. A preliminary hearing must be convened within 10 days of registration of a criminal matter with the appropriate court. Before registering any plea, courts must determine whether the accused is mentally sound and understands the consequences of entering a plea. Defendants enjoy a presumption of innocence, have the right to confront witnesses, and cannot be compelled to testify; cases must be proved beyond a reasonable doubt to obtain convictions. The government has prescribed a standing rule for all courts to clear all cases within a year of the case filing. The country has an inquisitorial judicial system, and there is no trial by jury.

Punishments include imprisonment, probation, fines, or a requirement for restitution of loss. Defendants have the right to appeal to the High Court and may make a final appeal to the king, who traditionally delegates the decision to the Royal Advisory Council. Trials are conducted publicly, although a court can order that press and the public be removed from the courtroom for part or all of the trial should limiting publicity be in the interest of justice. The law grants defendants and their attorneys access to state evidence. The court must provide the opportunity for the parties to present relevant evidence, including witness testimony. The prosecutor and defendants are allowed to conduct direct and cross examination.

Cases are tried pursuant to the CCPC. State-appointed prosecutors for the attorney general are generally responsible for filing charges and prosecuting cases for offenses against the state. In some cases other government departments, such as the Anti-Corruption Commission (ACC), file charges and conduct prosecutions.

The law provides for the right to representation. Although this was followed in practice in criminal cases, in civil cases most defendants and plaintiffs represented themselves. The law states that criminal defendants may choose legal representation from a list of licensed advocates. The government promoted the use of judiciary websites for legal information as a means of self-help for defendants. There were no reports that any groups were denied the right to trial.

## Political Prisoners and Detainees

NGOs claimed, as they did the previous year, that there were at least 67 political prisoners in Chamgang Central Jail in Thimphu, out of a total population of 537. The government reported that as of December there were 19 prisoners held following convictions under the National Security Act or its related penal code provisions. Since 2010 the government has released 11 political prisoners, including one who was granted amnesty by the king.

### **Civil Judicial Procedures and Remedies**

The CCPC governs the resolution of criminal trials and civil litigation and states that a suit may be initiated by a litigant or a member of the litigant's family. The CCPC also provides for compensation to those detained or subjected to unlawful detention but later acquitted. Often local or community leaders assisted in resolving minor disputes. As plaintiffs and defendants often represented themselves in civil matters, judges typically took an active role in investigating and mediating civil disputes.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution states that a person "shall not be subjected to arbitrary or unlawful interference with his or her privacy, family, home, or correspondence, nor to unlawful attacks on the person's honor and reputation," and the government generally respected these prohibitions.

As part of the government's policy and constitutional mandate to maintain Bhutanese culture, the law requires citizens to wear traditional Bhutanese dress in government facilities during daylight hours, but there are otherwise no public dress codes. There were press reports, however, of voters being turned away from election sites for not wearing appropriate clothing.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press. Citizens could publicly and privately criticize the government without reprisal.

Freedom of Speech: The constitution provides for freedom of speech including for members of the press, and the government generally respected this right in practice.

Press Freedoms: The media law does not provide specific protections for journalists or guarantee freedom of information. The government generally allowed freedom of the press, however, and facilitated a monthly press conference with the prime minister. Media self-censorship was a regular topic of discussion at these meetings. Media sources suggested that while there was commitment at the highest levels to provide the media with information, some media professionals continued to find it difficult to access information from public officials, especially on issues of corruption and violations of the law.

Independent media outlets relied heavily on government advertisements for revenue. The Election Commission funded all campaign advertisements for the 2013 national elections in the country's newspapers, and purchased space in state- and non-state-owned outlets. Most news outlets struggled to generate sufficient revenue to operate, especially after the elections.

Censorship or Content Restrictions: In its Freedom of the Press 2013 report, Freedom House described high levels of self-censorship among media, although there were no reports of official intimidation or threats directed at journalists.

## **Internet Freedom**

According to the most recent statistics from the Ministry of Information and Media, the country had approximately 135,000 internet subscribers in 2012, while an estimated 23 percent of the population had access either through home subscriptions or at offices, internet cafes, or on mobile devices. The government generally permitted individuals and groups to engage in peaceful expression of views via the internet. Government officials stated the government did not block access, restrict content, or censor web sites. Freedom House reported the government occasionally blocked access to websites containing pornography or information deemed offensive to the state. Such blocked information typically did not extend to political content.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom and cultural events.

**b. Freedom of Peaceful Assembly and Association****Freedom of Assembly**

While the constitution provides for the right to assemble peacefully, the government restricted this right. The 1992 National Security Act permits the government to control the public's right to assembly "to avoid breaches of the peace" by requiring licenses, prohibiting assembly in designated areas, and declaring curfew. The government reported that there were no prosecutions under the National Security Act or related provisions of the penal code. Government officials stated they discouraged public protests or assemblies because they disturbed the peace and could lead to public instability. NGOs reported that no demonstrations occurred during the year.

**Freedom of Association**

The constitution provides for freedom of association, and the government permitted the registration of some political parties and organizations, but only those "not harmful to the peace and unity of the country" as stated in the constitution. There were reports that many of the NGOs in the country maintained formal or informal connections to members of the royal family. In its Freedom in the World 2013 report, Freedom House stated that NGOs working on sensitive issues, including human rights and the status of Nepali-speaking refugees, were not permitted to operate legally.

**c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

**d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government limited freedom of movement and repatriation.

Exile: The law does not address forced exile, and there were no reported cases of forced exile during the year. In the early 1990s, the government forced approximately 90,000 Nepali-speaking persons to leave the country, following a

series of steps taken during the 1970s and 1980s to deprive the Nepali-speaking population of citizenship. As of September, after years of resettlement internationally, approximately 34,000 Nepali-speaking Bhutanese refugees remained in two refugee camps in Nepal administered by the Office of the UN High Commissioner for Refugees (UNHCR). The government continued to criticize the UNHCR for its failure to screen individuals who originally entered these camps to determine whether they had genuine claims to Bhutanese citizenship. The government maintained that individuals who entered the camps before the establishment of screening and registration mechanisms were not citizens and were using the camps as a base for terrorist activities against the state.

Emigration and Repatriation: There continued to be government delays in implementing a process to identify and repatriate Bhutanese refugees in Nepal.

Citizenship: The law provides for revocation of the citizenship of any naturalized citizen who “has shown by act or speech to be disloyal in any manner whatsoever to the king, country, and people.” The law permits reapplication for citizenship after a two-year probationary period. The government again grants citizenship upon successful completion of the probation and a finding that the person in question was not responsible for any act against the government.

## **Protection of Refugees**

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

The Central Tibetan Administration (CTA) reported that since the 1960s Bhutan had sheltered Tibetan refugees who were initially located in seven settlements in Bhutan. The government reported that the Tibetans were integrated and that approximately 1,500 had applied for and received Bhutanese citizenship. The National Statistics Bureau reported that in 2012 there were 2,648 non-Bhutanese Tibetans, of whom 993 retained work permits, residing in Bhutan. The CTA does not have an effective official presence in the country and could not provide social and economic assistance to Tibetans in Bhutan. Bhutan’s border with China is closed and the Tibetan population is not increasing nor do Tibetans use Bhutan to transit to India.

Employment: There were unconfirmed reports that some Tibetan refugees could not obtain security clearances for government jobs, enroll in higher education, or obtain licenses to run private businesses.

Access to Basic Services: The government stated that Tibetan refugees are permitted the same access to government-provided health care and education as Bhutanese citizens, and access was given in practice.

Durable Solutions: The government discouraged Tibetans from voting in the CTA elections and reportedly told them that doing so would make them ineligible for future citizenship. According to official sources, in practice Tibetan refugees were given tacit permission to vote in the CTA elections, and suffered no reprisals. Tibetan refugees were permitted to travel to India, though many faced obstacles in obtaining permits. There were also reports the government did not provide travel documents to enable some Tibetan refugees to travel beyond India. The government continued to delay implementing a process to identify and repatriate Bhutanese refugees in Nepal.

## Stateless Persons

Implementation of a nationwide census in 1985 resulted in the denaturalization of many Nepali-speaking individuals within the country because they lacked land ownership documents dated before 1958, which were required to retain citizenship. The census was repeated in 1988-89 in the southern districts, and those who lost citizenship in 1985 were at that time permitted to reapply for citizenship provided they met certain conditions. The government then labeled as illegal immigrants those who could not meet the new, more stringent citizenship requirements and expelled them to refugee camps in Nepal. According to NGOs, stateless persons remained in Bhutan, mainly in the south, but their number was unknown. Stateless persons cannot obtain no objection certificates and security clearance certificates, which limited their access to employment, business ownership, and school attendance at higher-level institutions.

## Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

In 2008 the country completed a successful transition from an absolute hereditary monarchy to a constitutional monarchy with a bicameral elected parliament. The constitution provides citizens the right to change their government peacefully, and

citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

## **Elections and Political Participation**

Recent Elections: The government successfully held national elections in July, in which voters elected the country's second National Assembly, the lower house of parliament. The opposition People's Democratic Party (PDP) won 32 of 47 seats, ousting the former ruling party, the Druk Phensum Tshogpa (DPT). International observers were present during the elections, which were generally viewed as free and fair; there were no reports of significant irregularities during the election process.

Political Parties: The constitution states that political parties shall promote national unity and shall not resort to regionalism, ethnicity, or religion to incite voters for electoral gain. Political parties are required to be broad based, have a national membership, not be limited to a particular regional or other demographic constituency, and not receive money or other assistance from foreign sources. In order to run for office, party candidates must possess a university degree and resign from a civil service job if held. Individuals who resign from the civil service cannot re-enter the service. While only two political parties contested the 2008 national elections, five parties contested the 2013 elections. The Election Commission of Bhutan disqualified one party, the Bhutan Kuen-Nyam Party, for failing to field a candidate with a university degree in one district. Political parties experienced debt problems because they could not sustain their operations solely on membership dues. The government provided funding only for general elections and maintained rigid guidelines on party financing.

The Druk National Congress (DNC), established in 1994 by Bhutanese refugees in exile, continued to claim the government denied independent parties the ability to operate effectively. The DNC was unable to conduct activities inside the country.

Participation of Women and Minorities: Women comprised 31.6 percent of civil servants as of June 2011. The parliament had three female members in the National Assembly and two in the National Council, both of whom were appointed by the king and do not represent a specific constituency. There was one woman on the Supreme Court. Women led two parties, the Druk Chirwang Tshogpa and the Druk Nyamrup Tshogpa (DNT). Following the elections in July, the former head of the DNT, Lyonpo Dorji Choden, was appointed as the country's first female minister, heading the Ministry of Works and Human Settlement.

A 2012 study found that household responsibilities, low self-esteem, illiteracy, limited role models and lower expectations often deter women from actively participating in local politics. The United Nations in Bhutan worked with the government to encourage more women to participate in political activity.

As part of the country's strict separation of religion from politics, the law barred ordained members of the clergy, including Buddhist monks and nuns, from participating in politics, including voting and running for office.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively. In 2011 the government passed the Anti-Corruption Act, which is based on the UN Convention against Corruption; it expands the ACC's mandate to cover the private sector and enhances the ACC's investigatory powers and functions.

Corruption: The government took an active role in addressing corruption by officials through the Public Accounts Committee in the National Assembly and the Royal Audit Authority, which monitored the use of government funds. The ACC is authorized to investigate cases of official corruption and allows citizens to post information on its website regarding corrupt practices. The ACC reportedly faced resource constraints. The constitution enables the ACC to act as an independent body generally free from interference, although its investigative staff was primarily civil servants answerable to the Royal Civil Service Commission.

In 2012 the ACC investigated several senior ministers and bureaucrats, including the former home minister, speaker of the National Assembly, and prime minister, on charges of illegal sale and registration of government land in Gyelpozhing Township and published an investigative report on its website. The Office of the Attorney General (OAG) reviewed the investigation for legal validity and determined the case was not admissible. In response the ACC publicly criticized the OAG's decision, and for the first time invoked its authority to prosecute a case independently. The former speaker received a prison sentence of two and a half years for official misconduct, fraud, and deceptive practices, while the former home minister received a one-year sentence for official misconduct. In July the Supreme Court upheld the verdicts.

Whistleblower Protection: The law provides protections to any witness or informant reporting corruption offenses, including protection of identity and barring of retaliatory action. The government implemented the law effectively in practice.

Financial Disclosure: The law requires public servants and persons working for NGOs using public resources, their spouses, and dependents to declare their income, assets, and liabilities.

Public Access to Information: The constitution mandates a right to information; however, no law provides for public access to government information. Several ministries publish laws, regulations, budgets, and other relevant information on websites to enhance transparency.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

According to international NGOs, local civil society organizations practiced self-censorship to avoid conflict with the government; the majority of these focused on social issues, including women's rights, and environmental issues. The government reportedly did not permit human rights groups established by the exiled Nepali-speaking minority to operate since it categorized them as political organizations that do not promote national unity.

UN and Other International Bodies: The ICRC was the only international human rights monitoring group officially operating in the country.

Government Human Rights Bodies: The NAHRC, a parliamentary committee, conducts human rights research on behalf of the National Assembly. Under the law the Civil Society Organization (CSO) Authority has responsibility to oversee the accountability and transparency of civil society operations. Since 2010 the CSO Authority had registered 31 civil society organizations in the country. Various such organizations functioned locally and informally.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution prohibits discrimination on the basis of race, sex, disability, language, religion, politics, or social status. The government generally respected these prohibitions in practice, though societal discrimination existed.

## Women

Rape and Domestic Violence: The law defines criminal sexual assault and specifies penalties. In cases of rape involving minors, sentences range from five to 15 years in prison. In extreme cases a person convicted of rape may be imprisoned for life. According to NGOs, cultural taboos and the fact that survivors were unaware of their rights resulted in underreporting of rapes. Spousal rape is illegal.

The law prohibits domestic violence. Penalties for perpetrators of domestic violence range from a prison sentence of one month to three years. Offenders are also fined the daily minimum national wage for 90 days. Three police stations across the country housed Women and Child Protection Units to address crimes involving women and children. According to the UN Committee on the Elimination of Discrimination against Women (CEDAW), the government commissioned a report on violence against women, set up mobile police stations, trained police on gender issues, and allowed civil society groups to undertake further efforts, including the opening of a crisis and rehabilitation center. CEDAW expressed concern about reports of violence against women by their spouses or other family members and at work. The NGO Respect, Educate, Nurture, and Empower Women (RENEW) operated a domestic violence center in the capital. The parliament enacted the 2013 Domestic Violence Prevention Act, which authorizes the National Commission for Women and Children (NCWC) to, among other things, develop and implement programs to prevent domestic violence, rehabilitate survivors, and conduct studies.

Sexual Harassment: The Labor Employment Act has specific provisions to address sexual harassment in the workplace. CEDAW expressed concern about the large number of reported sexual harassment cases in the workplace.

Reproductive Rights: The country has no legal restrictions regarding the number, spacing, or timing of children, and there were no reports of coercion regarding reproduction. The National Statistics Bureau reported that in 2011 skilled personnel assisted with 70 percent of births, and contraceptive use was 65.6 percent among married women or women in civil unions, 30.2 percent among girls and women ages 15-19, and 56.5 percent among women ages 20-24. According to the World Bank, the maternal mortality ratio in 2010 was 180 deaths per 100,000 live births. The government's 2010 Annual Health Bulletin attributed maternal deaths to delivery at home, poor quality of available care, lack of easy access to emergency medical facilities, and unsafe abortions.

Discrimination: The law covers questions related to family issues, including divorce, child custody, and inheritance. NGOs reported that women faced little overt discrimination and had equal access to health care, education, and public services, including for HIV/AIDS treatment and services. Women participated relatively freely in the social and economic life of the country. The law provides for equal inheritance for sons and daughters, but traditional inheritance practices, which varied among ethnic groups, may be observed if the heirs choose to forgo legal challenges. Traditional inheritance laws for the majority of Buddhists stipulate that daughters inherit family land. Tradition dictates that the most capable member of the family runs the household, which often resulted in the mother or eldest daughter handling this role. Within the household, men and women were relatively equal. Employers generally paid women in unskilled jobs slightly less than men in the same positions. According to the government's 2012 Labor Force Survey Report, 63.2 percent of females participated in the workforce, a decrease of 4.2 percent from the previous year. The decrease in participation was actually greater among males, 65.7 percent of whom were in the workforce in 2012 compared with 72.3 percent in 2011. Dowries were not customary.

The law mandates the government take appropriate measures to eliminate all forms of discrimination and exploitation of women, including trafficking, abuse, violence, harassment, and intimidation, at work and at home, and the government generally enforced the law. CEDAW expressed concern that the constitution does not adequately define discrimination to include both direct and indirect forms and noted that the government failed to adopt implementing legislation for its international treaty obligations related to women's rights or to provide adequate resources to the NCWC to allow it to operate effectively.

The National Women's Association, a local NGO, worked to improve women's living standards and socioeconomic status, and the NGO RENEW promoted and advocated for women's rights and political participation. The NCWC actively defended the rights of women and children during the year, although CEDAW expressed concern about the limited resources of the NCWC and its potential lack of independence from government influence. A women's NGO reported concern for the increased number of young women, some of whom were possibly underage girls, working in bars and discotheques.

## Children

Birth Registration: Under the constitution only children whose parents are both citizens become citizens at birth. According to the Bhutanese Refugee Support

Group, existing citizenship laws were inadequate for a child to acquire nationality at birth, and persons who are designated as “non-nationals” are rendered essentially stateless (see section 2.d.). Births in remote areas were less likely to be registered. NGOs asserted that births of children to noncitizen Nepali-speaking individuals may not be registered.

Education: The government provides 11 years of universal free education to children. Education is not compulsory. The law requires proof of birth registration for children to attend school. Children of non-Bhutanese residents may enroll with a copy of a parent’s work permit, employer letter, and documentation from the Department of Immigration. Because of documentation requirements, children of unregistered residents were left without adequate access to education.

Child Abuse: Reports of child abuse were rare. The law prohibits child abuse and provides for a minimum penalty of one year’s imprisonment for perpetrators. Corporal punishment is banned in schools, and there were no reported incidents in monasteries. In October 2012, *The Bhutanese* reported allegations that a Dzongkha (the national language) contract teacher in the Budhashi Community Primary School in Goshing, Zhemgang, punished students by injecting them with an unsterilized syringe filled with water. Investigation corroborated the allegations, and the school later relieved the teacher of his duties.

Forced and Early Marriage: The minimum age of marriage for both men and women is 18. The most current statistics available are from the 2010 Bhutan Multiple Indicator Survey (BMIS), which found, however, that 30.8 percent of marriages occurred before age 18 and 6.7 percent before age 15. In 2010, 15.2 percent of girls and young women ages 15-19 were either married or in a civil union. While child marriage has become less common in urban areas, in remote villages there were reports of secret marriage ceremonies involving girls younger than 15. Child marriage took place in all regions, but the incidence was higher in the western and central areas of the country.

The government initiative “Youth Friendly Health Services” worked, among other things, to prevent early marriage. It conducted community outreach and awareness-raising work to alert communities to the dangers of child marriage.

Sexual Exploitation of Children: The 2011 Child Care and Protection Act prohibits sexual exploitation, including child pornography, child prostitution, the sale of children, and child trafficking. The legal age of consent is 16 for both boys and girls.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

The country does not have a Jewish population, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **Persons with Disabilities**

The constitution specifically protects the rights of citizens with disabilities; other law directs the government to try to provide security in the “event of sickness and disability.” The law stipulates that new buildings must be constructed to allow access for persons with disabilities, but the government did not enforce the law consistently. There were reports that hospitals were generally accessible, but residential and office buildings were not.

Under the Disability Prevention and Rehabilitation Program, the government seeks to provide medical and vocational rehabilitation for persons with all types of disabilities, promote integration of children with disabilities in schools, and foster community awareness and social integration. The approximately 22,000 persons with physical disabilities (3.4 percent of the population, according to a 2005 estimate) lacked necessary infrastructure. There was no government agency specifically responsible for protecting the rights of persons with disabilities.

There were special education institutes for students with disabilities, including the National Institute for the Disabled in Khaling, which educates children with vision disabilities, and an education resource unit in Paro for persons with hearing disabilities. Children with disabilities often attended mainstream schools, although the resources needed to accommodate them varied among school districts. There were also special education facilities in Thimphu designed to meet the needs of children with physical and mental disabilities. Although there were no government-sponsored social welfare services available for persons with disabilities, the National Pension and Provident Fund granted benefits to such

persons. An NGO, the Disabled Persons' Association of Bhutan, was formed in 2011 to change the public perception of disability and assist persons with disabilities. In October in Thimpu, the government observed the UN International Day of Persons with Disabilities, which was attended by the queen and other high-level officials.

According to the *Bhutan Observer*, in rural areas there was widespread discrimination against persons with disabilities, and some parents did not send children with disabilities to school.

### National/Racial/Ethnic Minorities

Organizations representing exiled Nepali-speaking Bhutanese claimed that Nepali-speaking Bhutanese were subjected to discrimination and prejudice in employment, but the government stated they were proportionally represented in civil service and government jobs.

English is the medium of instruction in all government schools. Dzongkha, the national language, is taught as a subject. Sharchopkha, Bumthapkha, Khenkha, Nepali, and Tibetan are also spoken in the country. The UN Committee on the Rights of the Child expressed concern about the rights of minority children, specifically the Nepali-speaking minority, to take part in their culture, practice their religion, or use their language.

### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The constitution guarantees equal protection of the laws and application of rights but does not explicitly protect individuals from discrimination on the basis of sexual orientation. Although there are no laws that explicitly prohibit same-sex sexual activity, laws against "sodomy or any other sexual conduct that is against the order of nature" exist. The meaning of "against the order of nature" is left ambiguous, though some commentators have argued that it is limited to acts such as bestiality rather than consensual homosexual sex. Under the penal code, a person can be imprisoned for as long as one year for engaging in such acts. One government official noted prosecution under this law was rare, as the prosecution must prove criminal intent. There were no reported cases of such charges.

Homosexuality is a traditionally taboo subject, and the lesbian, gay, bisexual and transgender (LGBT) population has historically remained out of public view

without organized advocacy groups. During the year, however, an LGBT group went public via social media. There is no NGO in the country explicitly associated with LGBT issues. No violence directed against members of the LGBT community was reported, though social bias was present.

A small transgendered community exists in the country, and transgendered individuals faced social stigma. The law does not provide any distinct legal status to transgendered individuals, nor does it provide explicit protections.

## **Other Societal Violence or Discrimination**

Persons with HIV/AIDS received free medical and counseling services, and the government maintained programs meant to prevent discrimination; discrimination, however, existed.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join independent unions, but not for the limited purpose of conducting strikes. Workers are permitted to form a union with at least 12 employees from one workplace. There is no national trade union.

The law provides for the right of workers to bargain collectively with employers. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity. Violators may face misdemeanor charges and be compelled to pay damages.

The government effectively enforced applicable laws. Resources, inspections, and remediation were adequate, and penalties for violations were sufficient to deter violations. The law grants workers the right to pursue litigation.

Freedom of association and the right to bargain collectively were respected in practice, although there were few employee unions. No unions were formed during the year.

Ministry of Labor and Human Resources officials noted the ministry encouraged employee organization by conducting awareness-raising activities about employee

rights during routine labor inspections. One NGO stated a drivers' association and a tour guides' association existed.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, and the government effectively enforced applicable laws. Violations are felonies subject to three to five years' imprisonment.

Government officials admitted there may be forced labor among domestic servants working in private homes, where the Ministry of Labor and Human Resources has no jurisdiction. Officials relied on citizens to report forced labor of domestics directly to the police.

Migrant workers from India who worked in the country's construction and hydropower sectors, and Indian women and girls who worked in domestic service or as caregivers, were vulnerable to forced labor. Young, rural citizens were transported to urban areas, generally by relatives, for domestic work, and some of these individuals were subjected to domestic servitude. Girls who worked as domestic servants and entertainers in *drayungs*, or karaoke bars, were subjected to labor trafficking. In some cases employers forced girls to sign five-year contracts prohibiting them from quitting and housed the girls in hostels.

See the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for employment is 18. The law allows, however, for employment of children between the ages of 13 and 17 in environments that would not be harmful to their health or safety.

Labor inspectors operating under the Ministry of Labor and Human Resources enforce child labor laws, and the laws were effectively enforced. The NCWC conducted baseline studies and raised awareness among relevant ministries on child labor.

Children performed agricultural and construction work, completed chores on family farms, or worked in shops and restaurants after school and during holidays. Child labor also occurred in hotels and automobile workshops. Girls were

employed primarily as domestic workers, where they were vulnerable to abuse and exploitation. An estimated 19.6 percent of children between ages five and 14 were child laborers in 2011, and the BMIS established that 18.4 percent of the labor force in 2010 consisted of children under 18.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The national minimum wage rate was Nu 100 (\$1.62) per day – which was raised to Nu 125 (\$2.03) per day on October 29. The labor minister stated half the country's workers earned more than the minimum wage. The workday is defined as eight hours with a one-hour lunch break, and employers must grant regular days of rest. Work in excess of this must be paid at 1.5 times the normal rate. The official national poverty level was set at Nu 1,705 (\$28) per month.

All citizens are entitled to free medical care. At government expense, the government transported persons who could not receive adequate care in the country to other countries (usually India) for treatment. Workers are eligible for compensation in the case of partial or total disability, and in the event of death, their families are entitled to compensation. Labor regulations grant workers the right to leave work situations that endanger their health and safety.

The government generally enforced minimum wage, hours of work, and occupational health and safety standards effectively in all sectors. The government employed 23 labor inspectors, who were appointed to posts in Thimphu and four permanent regional offices and assisted by technical experts. The government also posted labor inspectors to field offices located at major construction sites such as hydropower plant projects. According to a 2012 Ministry of Labor and Human Resources report compiled with the assistance of the World Health Organization, there were not enough labor inspectors to adequately cover the country's industries. The report stated that in 2010 there were more than 24,745 reported work-related injuries, more than double the number in the previous year.